



# IMMIGRATION REFORM AND CONTROL ACT

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The Immigration Reform and Control Act, implemented June 1, 1987, requires all employers to have an employment eligibility verification system in place. The required forms are usually implemented by the HR Administrator, since the I-9 Form is akin to the W-4 and K-4.

This Act applies to all appointments made in State Government, including merit and non-merit appointments. The main requirement involves the completion of an I-9 Form and the verification of documents supporting employment eligibility.

The following pages detail the requirements of the law. Specifically, they include:

- Guidelines on how to avoid discrimination complaints.
- Documents that are acceptable for identification and employment eligibility purposes.
- A copy of the I-9 Form and completion Instructions.

All agencies are expected to maintain the required verification information in their own files.

Title VII of the Civil Rights Act of 1964 is still in effect. To avoid discriminating against anyone, the following guidelines are provided.

### **DO'S**

Ask questions such as:

- A. Are you a citizen of the U.S.?
- B. Do you intend to remain permanently in the U.S.?
- C. If not a citizen, are you prevented from becoming lawfully employed because of visa or immigration status?
- D. Are you an alien lawfully authorized to work in the U.S.?

Ask illegal aliens the following:

- A. Do you claim to qualify for legalization provisions of the new immigration law?
- B. Do you intend to apply for legal status and seek interim work authorization from INS?

Actions to take:

- A. Inform all new job applicants that you:
  - 1. Hire only U.S. citizens and aliens lawfully authorized to work in the U.S.
  - 2. Will require all new employees to complete Form I-9 and present documents providing identity and employment eligibility.
- B. Employer may give preference to an U. S. citizen or national over an authorized alien if the 2 candidates are equally qualified.

### **DON'T**

Don't ask questions such as:

- A. Where are you from?
- B. Of what country are you a citizen?
- C. Are you, your parents, or spouse naturalized or native-born U.S. citizens?
- D. When did you, your parents, or spouse acquire U.S. citizenship?
- E. Are your parents or spouse citizens of the U.S.?

Actions to avoid:

- A. Don't require that applicants produce naturalization papers.
- B. Don't discharge present employees or refuse to hire new employees based on foreign appearance or language.
- C. Don't specify which document the new employee must use.